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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,782

Applicant(s)

FRENEY, CHARLES C.

Examiner

PAUL DANNEMAN

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7 and 10-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 7 and 10-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in reply to Applicant's response filed 28 February 2008 to the first office action.
2. Claims 5-6, 8-9 and 14-16 have been canceled.
3. Claims 1-4 and 7 have been amended.
4. All pending Claims 1-4, 7, and 10-13 have been examined.

Response to Arguments

5. Applicant's arguments with respect to claim 1 and its dependent claims have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant argues with respect to **Claim 10** *"Barker does not teach the generation of an expected revenue signal based upon information received from sensors. Barker simply appears to provide a system for processing the output of security monitoring devices and measuring the output against logical rules [Barker claims 1]."* The Examiner disagrees, Barker's Claim 1 is broadly written to define an integrated information system having monitoring devices and rules for each monitoring device that establishes a threshold for the monitoring device data. The monitoring device data is processed and an output may be generated. Barker's Claim 3 further discloses that the monitoring device data can be asset data. Examiner maintains the rejection of Claim 10 and its dependent Claim 11.
7. Applicant argues with respect to **Claim 12** *"Barker does not teach the generation of an expected revenue signal based upon information received from sensors. Barker appears to provide a system for processing the output of security monitoring devices and measuring the output against logical rules [Barker claims 1]."* The Examiner disagrees, Barker's Claim 1 is broadly written to define an integrated information system having monitoring devices and rules for each monitoring device that establishes a threshold for the monitoring device data. The monitoring device data is processed and an output may be generated. Barker's Claim 3 further discloses that the monitoring device data can be asset data. Examiner maintains the rejection of Claim 12 and its dependent Claim 13.

Claim Rejections - 35 USC § 103

8. **Claims 1-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al., US 6,223,215 B1, henceforth known as Hunt.

Claim 1:

With regard to the following limitations:

- ***Store sensor automatically outputting signals indicative of customer activity sensed.***

Hunt in at least Column 1, lines 52-60 discloses tracking the origin-through-sales series of actions which are often referred to as session tracking from inbound source to net sale.

- ***Computer receiving customer activity signals and generating a tracking signal indicative of expected revenue based on customer activity.***

Hunt in at least FIG.1 and Column 3, lines 33-60 discloses a data processing device with a display monitor communicating over the network.

Hunt does not specifically disclose "generating a tracking signal indicative of expected revenue based on customer activity" per se. However Hunt in at least FIG.2 and Column 4, lines 4-26 discloses an interactive network session for tracking from inbound source to net sale. Hunt further discloses the user interacting with the store site by adding or deleting items from a shopping cart. Hunt in at least Column 4, lines 59-60 discloses the user's selected items for purchase are output to the user's display. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify Hunt's selected items list to be indicative of "expected revenue" with the motivation of providing the shop keeper with an indicator representative of the expected sales at a particular point in time.

- ***Generating an actual revenue signal based on the time period of the expected revenue period.***

Hunt does not specifically disclose "generating an actual revenue signal..." per se. However Hunt in at least FIG.2 and Column 5 lines 1-46 discloses the user executing the net sales transaction (actual revenue signal) of the selected items.

- ***Comparing the actual revenue signal with the expected revenue signal.***

Hunt does not specifically disclose "comparing the actual revenue signal with the expected revenue signal" per se. However, Hunt in at least Column 1, lines 53-60 discloses an example for tracking the origin-through-sales series of actions (session tracking from inbound source to net sale) for the purposes of measuring the effectiveness of media (advertisement) placements to maximize the allocation of media budget resources. Hunt in at least FIG.5 and Column 6, lines 10-28 discloses that each shopping session has a record in a database which indicates the status of each item added to the shopping cart representing whether the item was in stock or out-of-stock and if the item was backordered. Hunt in at least FIG.7 and Column 6, lines 38-58 further discloses using an external reporting tool to correlate the details of a sale with the inbound source, user action at the network site, and net sale data. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art to modify Hunt's system for measuring the effectiveness of media placements to include a comparison of the actual revenue signal with the expected revenue signal with the motivation of determining the factors (out-of-stock, replacement by a competitive product, etc.) that caused the expected revenue signal to be different from the actual revenue signal.

Claims 2 and 3:

With regard to the following limitations:

- ***A store control unit receiving an actual revenue signal and a baseline comparison signal.***
- ***Comparing the actual revenue signal with the baseline comparison signal.***

Hunt in at least FIG.10 and Column 7, lines 25-46 discloses a block diagram of the architecture of a system for interactive network session tracking from inbound source to net sale.

Hunt does not specifically disclose "comparing the actual revenue signal with the expected revenue signal" per se. However, Hunt in at least Column 1, lines 53-60 discloses an example for tracking the origin-through-sales series of actions (session tracking from inbound source to net sale) for the purposes of measuring the effectiveness of media (advertisement) placements to maximize the allocation of media budget resources. Hunt in at least FIG.5 and Column 6, lines 10-28 discloses that each shopping session has a record in a database which indicates the status of each item added to the shopping cart representing whether the item was in stock or out-of-stock and if the item was backordered. Hunt in at least FIG.7 and Column 6, lines 38-58 further discloses using an external reporting tool to correlate the details of a sale with the inbound source, user action at the network site, and net sale data. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art to modify Hunt's system for measuring the effectiveness of media placements to include a comparison of the actual revenue signal with the expected revenue signal with the motivation of determining the factors (out-of-stock, replacement by a competitive product, etc.) that caused the expected revenue signal to be different from the actual revenue signal.

9. **Claims 4 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al., US 6,223,215 B1, henceforth known as Hunt and in further view of McConnell et al., US 7,240,027 B2 hereafter known as McConnell.

Claims 4 and 7:

Claims 1 and 2 are rejected under Hunt as shown above. With regard to the further limitation:

- ***Store control unit outputs an alert signal upon determination of a difference exceeding a predetermined level between the actual revenue signal and the baseline comparison signal.***

Hunt does not specifically disclose generating an "alert signal." Hunt in at least Column 6, lines 18-22 discloses that when modifying the quantity of an item already in the shopping cart, the

record in the shopping cart database is located and the appropriate term is updated and may trigger a change to an out-of-stock indicator. However, McConnell in at least Column 1, lines 57-65 discloses an item velocity monitoring system which is capable of detecting when movement activities of items are occurring abnormally quickly or abnormally slowly. McConnell in at least Column 4, lines 31-48 discloses a system and method for determining customer impact occasioned by an out-of-stock event by estimating for each customer, an expected purchase amount and comparing it with the actual purchase amount.

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify Hunt's system for tracking a user's purchases on the internet with McConnell's monitoring of an items velocity to determine if the item is moving abnormally quick or abnormally slow with the motivation of tracking changes in expected sales to determine if corrective action is required.

10. **Claims 10-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al., US 2002/0143934 A1 hereafter known as Barker.

Claims 10 and 12:

With regard to the following limitations:

- *Receiving electronic information indicative of a store's customer activity.*
- *Generating an expected revenue signal based on customer activity.*

Barker does not specifically disclose an expected revenue signal based on customer activity per se, However, Barker in at least paragraphs [0033 and 0047], Fig.2, and Fig.5 discloses various types of monitoring devices like video and still cameras, and biometric identification devices (facial, retinal, fingerprint and voice) integrated to existing information systems such as inventory control systems, accounting systems, or the like. Barker further discloses in paragraph [0033] that it would be apparent to one skilled in the relevant art that additional or alternative monitoring devices may be practiced with the present invention. Barker in at least paragraph [0052] and Fig.6 still further discloses the use of monitoring device rules containing data indicating one or

more ranges for determining a rule violation. Barker in at least paragraph [0066] still further discloses that the invention is usable over a standard Internet web browser. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill in the art to conclude that Barker's monitoring devices which are integrated via the internet to an inventory control system, accounting systems, or the like could produce an expected revenue signal based on customer activity as claimed by the applicant's invention.

Claims 11 and 13:

With regard to the following limitations:

- *Discrepancy between the actual time period based revenue signal and the expected revenue signal results in an alert signal.*

Barker does not specifically disclose an expected revenue signal based on customer activity at a specific time or within a specific period per se. However, Barker in at least paragraphs [0058 through 0067], Fig.7A, Fig.7B, and Fig.8 discloses an input signal from a sensor being compared to a rule and the action taken in response to an evaluation of the signal data with the rule conditions. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill to determine that the security monitoring system, its devices and associated rules can evaluate a baseline signal against sensor data to determine a course of action such as generating an alert signal or activating some other form of notification means.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

2 November 2008

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627